

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEENA SOMMERS

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of the
Social Security Administration,

Defendants.

Case No. 09cv1802 JM(CAB)


ORDER ADOPTING REPORT AND
RECOMMENDATION RE: GRANTING
IN PART AND DENYING IN PART
CROSS MOTIONS FOR SUMMARY
JUDGMENT; REMANDING ACTION

Having carefully considered Magistrate Judge Bencivengo's thorough and thoughtful Report and Recommendation ("R & R") regarding the granting in part and denying in part the cross motions for summary judgment and remanding the case to the Commission for further proceedings, the record before the court, the absence of any objections to the R & R, and applicable authorities, the court adopts the R & R in its entirety.

In sum, the court adopts the R & R and remands the case for further proceedings, but solely as to the issue of whether Plaintiff is income/resource eligible. The Clerk of Court is instructed to close the file.

IT IS SO ORDERED.

DATED: January 25, 2011


Hon. Jeffrey T. Miller
United States District Judge

cc: All parties